

HABITAT MONTANA

REPORT TO THE 62nd MONTANA LEGISLATURE

MONTANA FISH, WILDLIFE AND PARKS

**Wildlife Bureau
JANUARY 2011**

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PURPOSE OF THE REPORT

This report summarizes actions from January 1, 2009 to December 31, 2010 relative to HB 526 (87-1-241 et seq. MCA) as passed by the 1987 Montana Legislature, as well as provides a summary of Fish, Wildlife and Parks habitat conservation programs. ARM 12.9.511 directs FWP to apply Habitat Montana guidelines to all the department's habitat acquisition programs, where appropriate.

Between January 1, 2009 and December 31, 2010, FWP secured a total of 87,195 acres through a combination of fee title acquisition and conservation easement. In addition, FWP acquired a 10 year lease on 10,260 acres of Dept. Natural Resources and Conservation (DNRC) lands. These projects were completed using a variety of funding sources totaling \$50,896,380 including \$9,610,101 of HB526 (Habitat MT.) funds.

The program popularly known as Habitat Montana came into existence from a need felt by the people of Montana. Montanans cherish their wildlife and outdoor opportunities. In order to keep wildlife abundant for the long-term, the necessities of life for wild animals need to be maintained. In other words, conservation of habitat is an important goal for Montanans to preserve their way of life.

Habitat Montana helps the people of the State maintain and produce wildlife habitat. It does so in a balanced fashion by maintaining the traditional agricultural uses of the land. After 22 years, the program has shown how wildlife and agriculture can coexist and benefit each other. The program has an installed client base that appreciates land conservation actions that will last for generations.

HISTORY

The Montana Dept. of Fish, Wildlife and Parks has been involved with conserving habitat for wildlife benefit since 1940. For many years there was no specific funding source to participate in the fundamental need to acquire, protect and manage important wildlife habitat. When dollars were available land was purchased and became part of the department's wildlife management areas.

The "Habitat Montana Program" is the result of legislation passed in 1987 (HB 526) in which portions of several big game licenses were earmarked for the protection of wildlife habitat, particularly 'important habitat that is seriously threatened' (HB526 Statement of Intent). The rules ensure that acquired interests in habitat lands are reasonably distributed around the state in accordance with the statewide habitat acquisition plan.

In the 1980s, conservationists discussed the possibility of specific funding for the department in order to acquire important habitat on a consistent basis, and to have funding when important habitat became available. The 1987 Montana Legislature saw the introduction of HB 526, which would be funded by fees from hunting licenses. The debate in the legislature was between those who did not want the Department buying land and those who saw habitat as the foundation for the future. The compromise by the legislature was authority given to the Department to acquire interests in land, with the legislature directing the agency to attempt conservation easements or lease before fee title purchase. Fee title purchase was still allowed because the legislature understood the seller of land would determine which method was in his best interests.

HB 526 became reality generating about \$2.8 million per year for acquiring interests in "important habitat that is seriously threatened". Approximately 92% of revenue for this program comes from nonresident hunting licenses.

From the very beginning, the Department tried to implement the intent of the legislation, but its success was limited. The reason was twofold; the Department was unfamiliar with easements and needed to develop its expertise on implementing this conservation tool; and secondly, landowners were skeptical of easements. These two problems no longer exist.

The first year that funding was available, the Department purchased two properties in fee title, the Robb/Ledford Wildlife Management Area (WMA) and an addition to the Blackfoot-Clearwater WMA.

In 1989, the second year of operation, two additional WMA's were purchased. A major effort to acquire a conservation easement on the Brewer Ranch changed to a fee title purchase at the request of the landowner. The department assured the FWP Commission that easement terms would be placed on the Brewer property and then sold. This happened five years later.

In 1990, FWP purchased its first wildlife easement (160 acres as part of Dome Mountain Wildlife Management Area). In 1992, FWP made an agreement with a landowner to enter into a five-year management agreement which both parties hoped would lead to an easement, which did happen in 1998.

A major threshold was crossed in 1994 with the success of exchanging the Brewer property, with easement terms in place, for an easement on Page/Whitham property north of Fort Peck Reservoir. Interest by the agricultural community accelerated with the involved landowner answering many questions from interested landowners. Since then, the department has had a variety of projects to choose from.

In 1989, HB720 mandated a social/economic impact analysis be completed with each acquisition. Now, with each acquisition, as part of the Montana Environmental Policy Act public review process, three documents are made available; an Environmental Assessment, a Management Plan, and a Social/Economic Assessment.

The 1991 Legislature directed FWP to review its habitat program. The department hired two consultants, Econ, Inc. to look at FWP administrative functioning for the program; and Canyon Consulting, Inc., to evaluate public participation in the program.

In Sept. 1992, Canyon Consulting suggested, implementing a policy that showed the public benefits from the habitat program. The Commission adopted a policy through the ARM rule process, directing FWP to provide the following public benefits:

- Conserve and enhance land, water and wildlife
- Contribute to hunting and fishing opportunities

- Provide incentives for habitat conservation on private land
- Contribute to non-hunting recreation
- Protect open space and scenic areas
- Promote habitat-friendly agriculture
- Maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

One of Econ's main recommendations, to develop a comprehensive statewide plan, was acted upon and completed in 1994, the 'Statewide Habitat Plan, an implementation of FWP Commission Habitat Montana Policy'.

In 1993, the Wildlife Division Administrator asked for a habitat mapping effort from the Wildlife Managers to discern which habitats were the most at risk. The habitats defined in the Statewide Plan are 1) Montane Forest 2) Intermountain Grassland 3) Riparian 4) Shrub-Grassland 5) Prairie Forest 6) Prairie Grassland. In a display of unanimity, every region identified Intermountain Grassland; Riparian, and Shrub-Grassland as the habitats most in need of attention. Intermountain Grasslands are the choice for most residential subdivision in western Montana. Such subdivisions may be placed to disrupt winter range for wildlife as well as blocking movement and migration routes. Riparian habitat comprises less than 4% of the state but is the most productive habitat type. Many species of wildlife depend on riparian habitats in some stage of their life cycle. Riparian habitats are also heavily managed by people just because it is productive ground. Sagebrush–Grassland has diminished across the West and in Montana by about 50%. This is a Habitat of Special Concern. Montana is a leader in sagebrush conservation in a state where half is in private ownership.

The Goal Statement in the Statewide Habitat Plan says: “Beginning in October 1993, for the next two years, the intermountain grassland, shrub-grassland, and riparian ecosystems will be the focus of wildlife habitat acquisitions, with the objective of conserving approximately 10% of each of these ecosystems”. In October of 1995 this goal was still considered valid and was to continue until 2006. In the 2005 Legislature the sunset provision was removed, making the program permanent. The habitat goals have remained the same, with a particularly strong emphasis on riparian habitats. This effort is in tune with Montana's Fish & Wildlife Conservation Strategy.

In 1998, FWP Commission asked for an internal audit of the conservation easements. This was divided into two sections, a review of the legal aspects of the easements; and a review of the rigor of the baseline inventory reports. Fifteen easements were chosen by the legal audit contractor, Knight, Masar and Harris, Attorneys at Law. The contractor working on baselines did likewise. The audit, delivered in 1999, showed no major problems with the easements and associated baselines. In 2000, the other 15 easements were reviewed, again, no major problems. The major author of the report, Robert Knight, came before the Commission to answer questions. He said the language and form of the easements were up to date, and saw no specific problems. There is constant discussion between the wildlife division, legal unit and lands unit on the formulation of new easements to adapt to changing concerns and continuing experience.

Montana sportsmen have long considered the Habitat Montana Program essential to their interests, and without their support this program would not exist today. Conservation organizations have often partnered with the department to protect tracts of important habitat for our mutual benefit.

Partners are The Nature Conservancy; Pheasants Forever; The National Wild Turkey Federation; The Conservation Fund; The Confederated Salish-Kootenai Tribe; United States Forest Service; United States Bureau of Land Management; The Blackfoot Challenge; Montana Wildlife Federation; Butte Skyline Sportsmen's Club and Anaconda Sportsmen. As well as Montana Audubon; Five Valleys Land Trust, Rock Creek Land Trust and a variety of other land trusts.

As of December 2010, FWP holds 45 (Habitat Montana) wildlife easements covering over 230,980 acres costing approximately \$26 million. Fee title ownership is 116,172 acres costing \$63million. Habitat Montana projects are 68% easements, 26% fee title, and 6% lease. Total FWP wildlife lands would have a different percentage.

Early efforts focused on expanding existing wildlife management areas such as the Blackfoot-Clearwater (deer and elk winter range), Judith (elk winter range) and Ninepipe (wetlands/waterfowl and pheasant habitat) or acquiring new WMA's such as Robb/Ledford (elk winter range), Dome Mtn.(elk winter range) and Mt. Silcox (Bighorn Sheep winter range).

Gradually, the focus was on important habitat types such as big sagebrush-grassland (Brewer; South Ranch; Fluss; Cowell; Peters); riparian (Hirsch, Bice) and intermountain grassland (Maher; Bolin; Sieben Ranch; and Hirschy Ranch) as examples.

Landowners have sold FWP easements for a variety of reasons: to allow their heirs to be able to afford to buy the ranch; for family estate planning; to ensure a place for the public to recreate, especially for hunting; to enlarge the agricultural operations; and to pay off debt.

The major easement terms center around both PROTECTION AND MANAGEMENT of the Land.

PROTECTION: This means terms such as No Subdivision and building limitations on the land. Normal farming practices continue, but no new fields are developed. No commercial activities other than those appropriate to the agricultural practices. Mining practices must not negatively impact conservation values of the land.

MANAGEMENT: This means management maintains vegetation, both upland and riparian. This includes actions such as developing and implementing livestock grazing systems, and access for the recreating public. All agricultural practices continue, but in a way that maintains or enhances the conservation values purchased through the easement.

TAXES: In tax year 2010, FWP pays \$378,724. in tax payments on its WILDLIFE lands. (For wildlife lands, FWP will pay to the county in which the land resides “a sum equal to the amount of taxes which would be payable on county assessment of the property were it taxable to a private citizen”. (87-1-603)

OPERATION/MAINTENANCE: Twenty percent of the dollars generated by ‘526’ legislation is used for operation and maintenance of ALL department wildlife lands. The amount available per year is approximately \$500,000, the majority of which is used for fence maintenance, road maintenance, and weed control on department fee ownership lands. The major cost on easements is to initially implement the livestock grazing system, which can involve fence construction and replacement, and water improvements including pipelines. Each year the Wildlife Program completes an average of 10 projects at a cost of approximately \$400,000. In

addition, approximately \$50,000 is spent each year to monitor compliance with each wildlife conservation easement held by the department.

SECTION I

HB 526 COMPLETED PROJECTS AND ASSOCIATED FUNDING SOURCE PROJECTS

Summary of Land Acquisitions – January 1, 2009 to December 31, 2010

Site Name	Year	Fee Title HB526 Funds	Fee Title Other Funds	Fee Acres	Conservation Easements HB526 Funds	Conservation Easements Other Funds	CE Acres
Cree Crossing WMA	2009	\$519,500	\$200,000 SWG	400			
Calf/Threemile WMA Addition	2009	Trade 368 acres valued at \$625,500 plus	\$234,835 of timber value	240			
Fleecer WMA Addition	2009	Donation	From George Grant Chapter of Trout Unlimited	26			
Stucky Ridge II	2009		\$265,300 NRD	76			
Little Doney Addition to Blackfoot-Clearwater WMA	2009	\$1,500,000	\$600,000 HCP \$500,000 SWG \$250,000 Migratory Bird \$100,000 MT F&W Cons Trust (\$1,089,952 Donation)	2,611			
	2009	\$40,000	\$40,000 Deer Auction funds	80			
Beckman WMA Addition	2009		Trade 223 acres for 240 acres	240			
Pablo/Ninepipe WMA Exchange	2010		\$142,500 NRD Funds	30			
B-C WMA/M.D.T. land trade	2010		Trade 19 acres for road for 53 acres	53			
Fish Creek WMA	2010	\$2,631,320	\$11,982,661 PR	34,573			
Cottonwood Bend Easement	2010					\$100,000 MT F&W Cons Trust \$79,250 Upland Game Bird	164
Spotted Dog WMA	2010		\$15.2 million NRD 10 year DNRC lease/\$148,869 NRD	27,616 (10,260)			
Tar Head Addition	2010		\$635,442 MT F&W Cons Trust	151			
Moline Ranch Easement	2010				\$775,000		4,900
Coffee Creek Easement	2010				\$104,000		800
Riverdale Easement	2010				\$630,000		850
						\$200,000 Upland Game Bird	
						\$525,000 Farm/Ranch Land Protection \$100,000 Upland Game Bird \$50,000 PPL Montana(fish funds) \$100,000 MT F&W Cons Trust \$10,000 Safari Club GFs Chapter \$10,000 Pheasants Forever Upper Missouri Chapter \$7,500 Natl Wild Turkey Fed GFs Chapter	
Marshall Cr. WMA	2010	\$4,293,781.	\$6,295,922.	13,933			
North Swan Sec 31	2010		\$2,000,000 Forest Legacy Program plus land value for match	452			
TOTALS:		\$9,610,101	\$38,446,660.	80,481	\$1,509,000.	\$1,181,750.	6,714

CREE CROSSING ADDITION TO THE MILK RIVER WILDLIFE MANAGEMENT AREA

INTENT: *Place 10,000 acres within the Milk River Riparian Zone under conservation easements or other appropriate strategies to conserve fish and wildlife communities including game and nongame species groups.*” This effort along the Milk River is called the Milk River Initiative (MRI) and meshes perfectly with the riparian objectives of the Habitat Montana program. Acquisition of the Cree Crossing property will further address the MRI objective.

HABITAT: River Riparian

The 400-acre Cree Crossing property contains 245 acres of riparian habitat along 2 miles of the Milk River and a 10 acre oxbow wetland. Uplands include 153 acres of cropland and range. These diverse habitats support white-tailed deer, mule deer, pheasants, sharp-tailed grouse, raptors, waterfowl, eight Montana Species of Concern, and many nongame species

Purchased in fee January 2009. Land costs were \$719,500 (\$1,800/acre), a combination of Habitat Montana and State Wildlife Grant dollars.



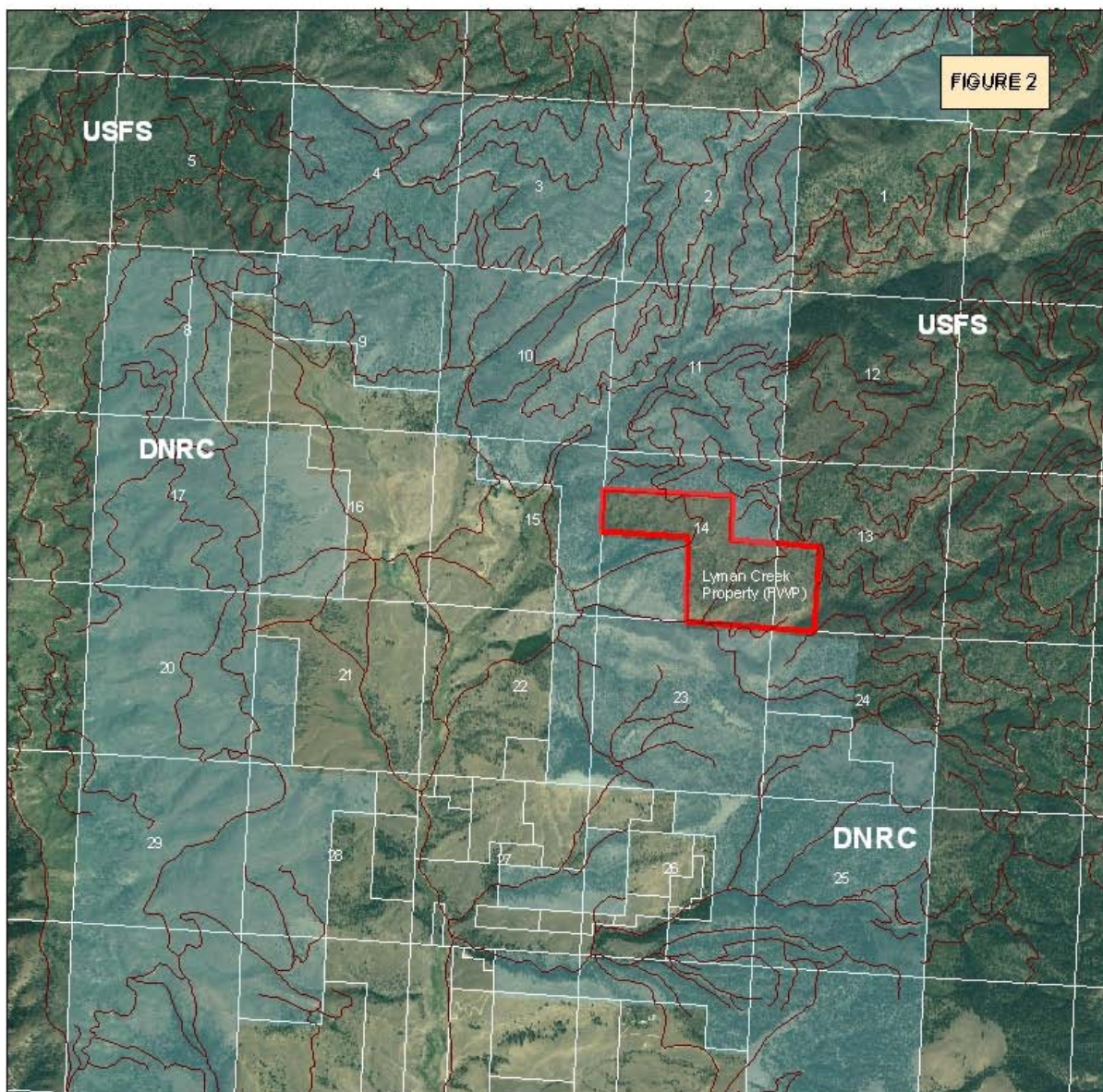
ADDITIONS TO CALF CR. AND THREEMILE WILDLIFE MANAGEMENT AREAS

INTENT: Trade land with DNRC to block up property within Sula State Forest for DNRC and in-holdings within two WMAs for FWP.

HABITAT: Montane Forest

April 2009. Trade Lyman Cr. property(368 acres) for 240 acres of land within or adjacent to FWP wildlife management areas. Purpose was to block up land for ease of management for both agencies.

See pictures of land parcels on following pages.



Lyman Creek inholding on Sula State Forest

Ravalli County, Township 2 North, Range 19 West

Section 13: W1/2SW1/4 (80 acres)

Section 14: Government Lots 5,6,8,
9,10,11, SW1/4NE1/4 (287.92 acres)

Total Lyman Creek Property = 367.92 acres

Legend

- Roads
- State_Ownership
- Lyman Creek Property



0.5 0.25 0 0.5 Miles

1 inch equals 0.798342 miles



MAP IS INTENDED TO SERVE AS A VISUAL GUIDE
AND ITS ACCURACY IS NOT WARRANTED



*Montana Fish,
Wildlife & Parks*

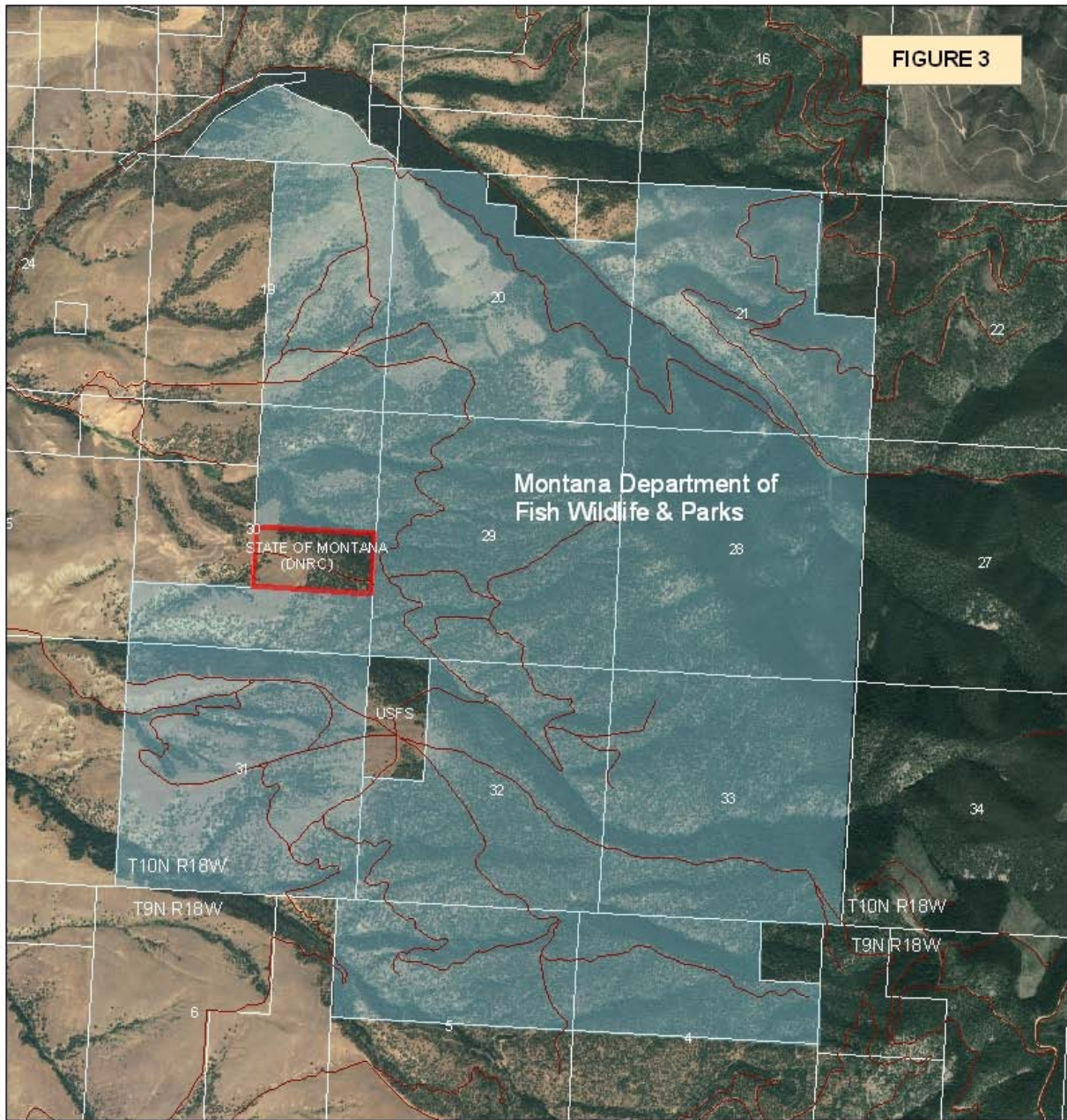


FIGURE 3

DNRC inholdings on Threemile WMA
Ravalli County, Township 10 North, Range 18 West
 Section 30: N1/2SE1/4 (80 acres)

Legend

- Subject 80 Acres
- Montana Fish Wildlife & Parks



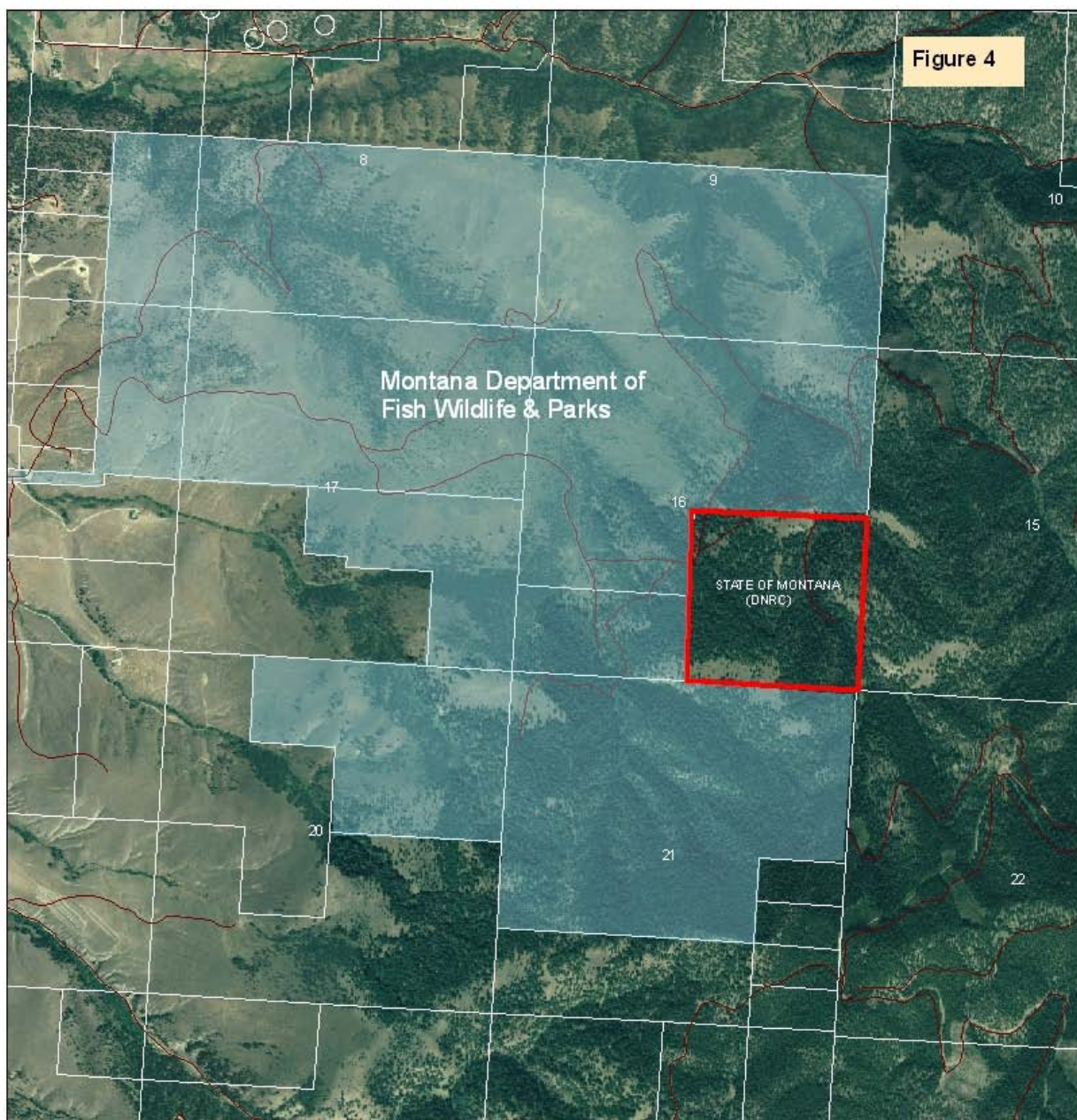
0 0.25 0.5 1 Miles

1:33,572 SCALE

MAP IS INTENDED TO SERVE AS A VISUAL GUIDE
 AND ITS ACCURACY IS NOT WARRANTED



**Montana Fish,
 Wildlife & Parks**



DNRC inholding on Calf Creek WMA
Township 6 North, Range 19 West
 Section 16: SE1/4 (160 acres)

Legend

- Montana Fish Wildlife & Parks
- Subject 160 Acres



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SCALE

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 AND ITS ACCURACY IS NOT WARRANTED



ADDITION TO FLEECER MOUNTAIN WILDLIFE MANAGEMENT AREA

INTENT: Preserve a mining claim inholding within Fleece WMA from development

HABITAT: Pine Forest and Willow Riparian

April 2009. Montana Fish, Wildlife and Parks (FWP) **acquired by donation a 26-acre** parcel along German Gulch Creek in Silver Bow County from the George Grant Chapter of Trout Unlimited. The property is contiguous with FWP's Fleece Mountain Wildlife Management Area (WMA), and upon acquisition would be managed as part of that WMA. The property contains the confluence of German Gulch Creek and two tributary streams, and its willow riparian habitat is heavily used by moose and other wildlife.

STUCKY RIDGE WILDLIFE MANAGEMENT AREA PHASE II JAMISON ACQUISITION

INTENT: The purpose of this purchase is to manage exceptional natural habitat for bighorn sheep, elk, mule deer, and a diversity of wildlife species. The land is open to public hunting and wildlife viewing, but closed annually to public entry from December 1 until June 15 to avoid disturbance of ungulates on their winter range and lambing/calving habitat.

CRITICAL HABITAT: Intermountain grassland big game winter range.

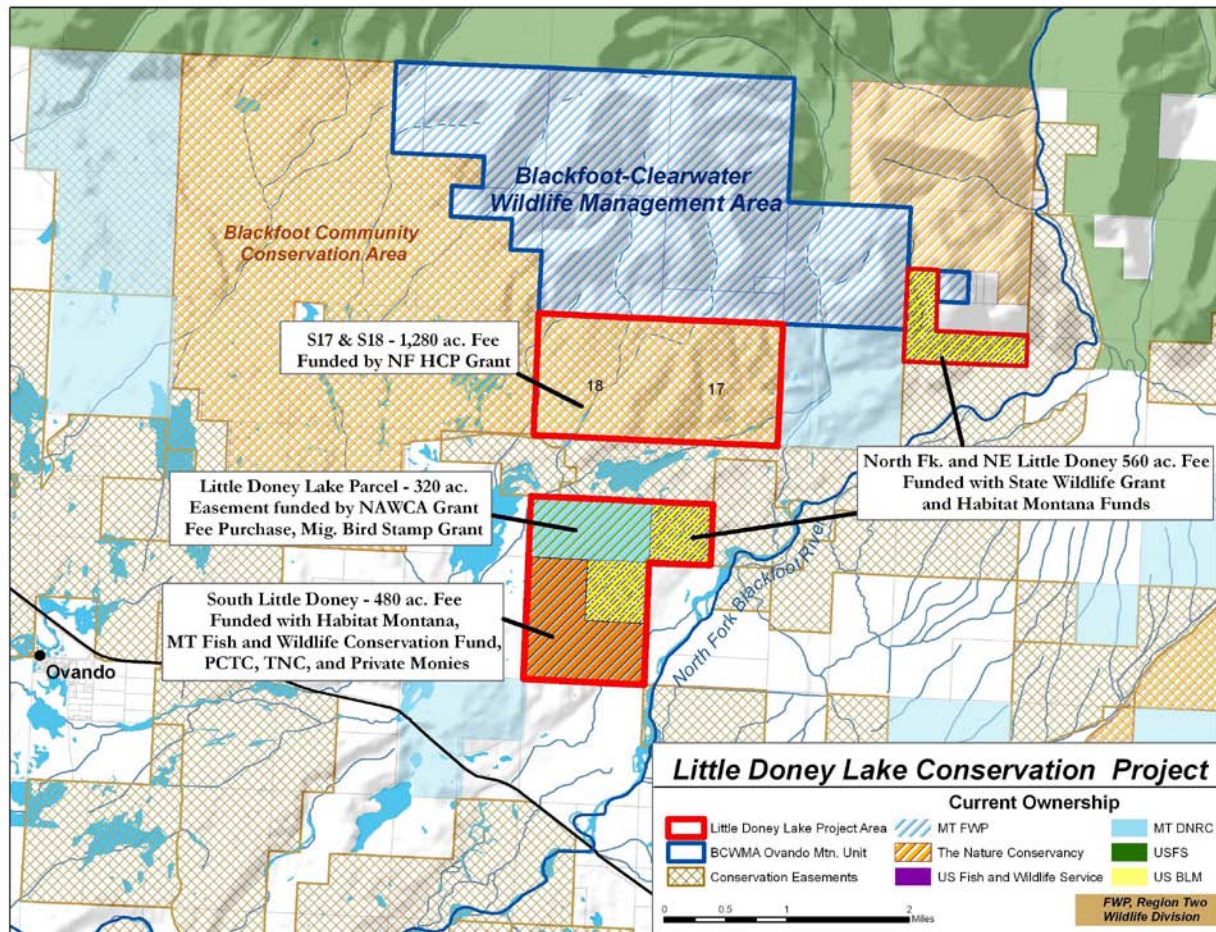
April 2009. 76 acres. \$265,300. Natural Resource Damage funds.



ELK ON THE JAMISON ACQUISITION

LITTLE DONEY ADDITION TO THE BLACKFOOT-CLEARWATER WILDLIFE MANAGEMENT AREA

INTENT: Add to the Ovando Unit winter range for big game/waterfowl/nongame.



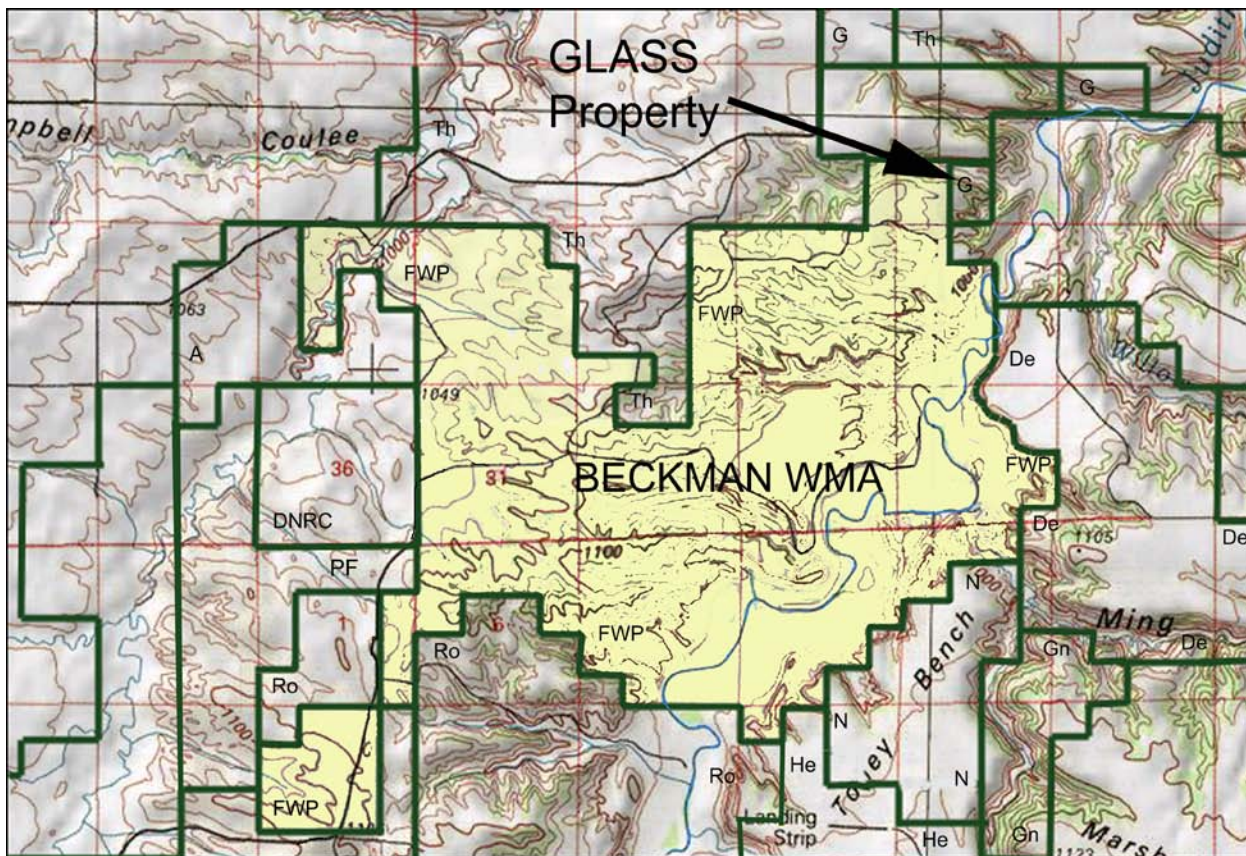
HABITAT: Deciduous vegetation and wetlands within the Montane Forest. Three purchases in June, August and September of 2009, purchased 2,611 acres using a variety of funding sources. The funds were from Habitat Montana; Migratory Bird Stamp; Habitat Conservation Plan; State Wildlife Grants; Canyon Ferry Trust and Donation. \$2,950,000.

ADDITION TO BECKMAN WILDLIFE MANAGEMENT AREA

INTENT: Add mule deer habitat to the existing wma

HABITAT: Dec. 2009. This is an acquisition through use of FWP Habitat Montana and Deer Auction funds to purchase 80 acres, for \$80,000, known as the Glass Property. It adjoins the existing Beckman Wildlife Management Area to the east, sharing one half mile of common boundary. It consists of steep-sided Ponderosa pine and juniper coulees with ridges that drain directly into the Judith River.

Beginning in 1999, the estate left by Mr. Leroy Beckman gifted to MFWP the funds necessary to ultimately acquire 6,564 acres in 4 separate acquisitions to meet the needs of deer management and to provide public deer hunting. The gifted land was subsequently named the Beckman Wildlife Management Area (WMA). The Glass Property will become part of the existing Beckman WMA and its current management practices.



Location of 80 acres shown by arrow

LAND EXCHANGE –PABLO LAND EXCHANGE FOR PRIVATE LAND ADJACENT TO NINEPIPE WMA

INTENT: Block up land for better quality wildlife habitat and ease of management.

HABITAT: WETLANDS

December 2009. Land value was an even trade. The purpose of the action is to benefit wildlife, primarily waterfowl and upland game birds, through the exchange of approximately 223 acres of state-owned land in the northern portion of Pablo Wildlife Management Area (Pablo WMA) by Montana Fish, Wildlife and Parks (FWP) for 240 acres of private property adjacent to the southwest portion of Ninepipe Wildlife Management Area (Ninepipe WMA) in order to preserve the diverse array of upland and wetland species present in that area. Federal fiscal obligations from the 223 acres of Pablo WMA will be transferred to the newly acquired 240 acres of private property to be added to Ninepipe WMA.

PABLO - FWP Owned Property and Originally Purchased with Wildlife Restoration Funds

Lake County, Montana

Township 22 North, Range 20 West

Parcel #1 - Section 20: N1/2SE1/4 east of the highway right of
way (79.39 ac.)

Parcel #2 - Section 21: N1/2SW1/4 west of the irrigation ditch
(approx. 63.29 ac.)

Parcel #3 - Section 23: W1/2SW1/4 (80 acres)

Total: approximately 223 acres

The property is located within the boundaries of the Flathead Indian Reservation in the Mission Valley, north of North Reservoir Road and about 1.5 miles west of Highway 93. The nearest towns are Pablo and Polson. The terrain is fairly level to sloping south. Access is from maintained, paved public roads and the view of the reservoir and Pablo National Wildlife Refuge are somewhat blocked by a berm

around the reservoir.



Parcel 1&2 for disposal.



Parcel 3 for disposal

NINEPIPE - Private Property proposed for acquisition by FWP

Lake County, Montana

Township 19 North, Range 20 West

Parcel #1 - Section 9: SE1/4 (160 acres)

Parcel #2 - Section 10: W1/2NW1/4 (80 acres)

Total: 240 acres



Parcels 1&2 for acquisition

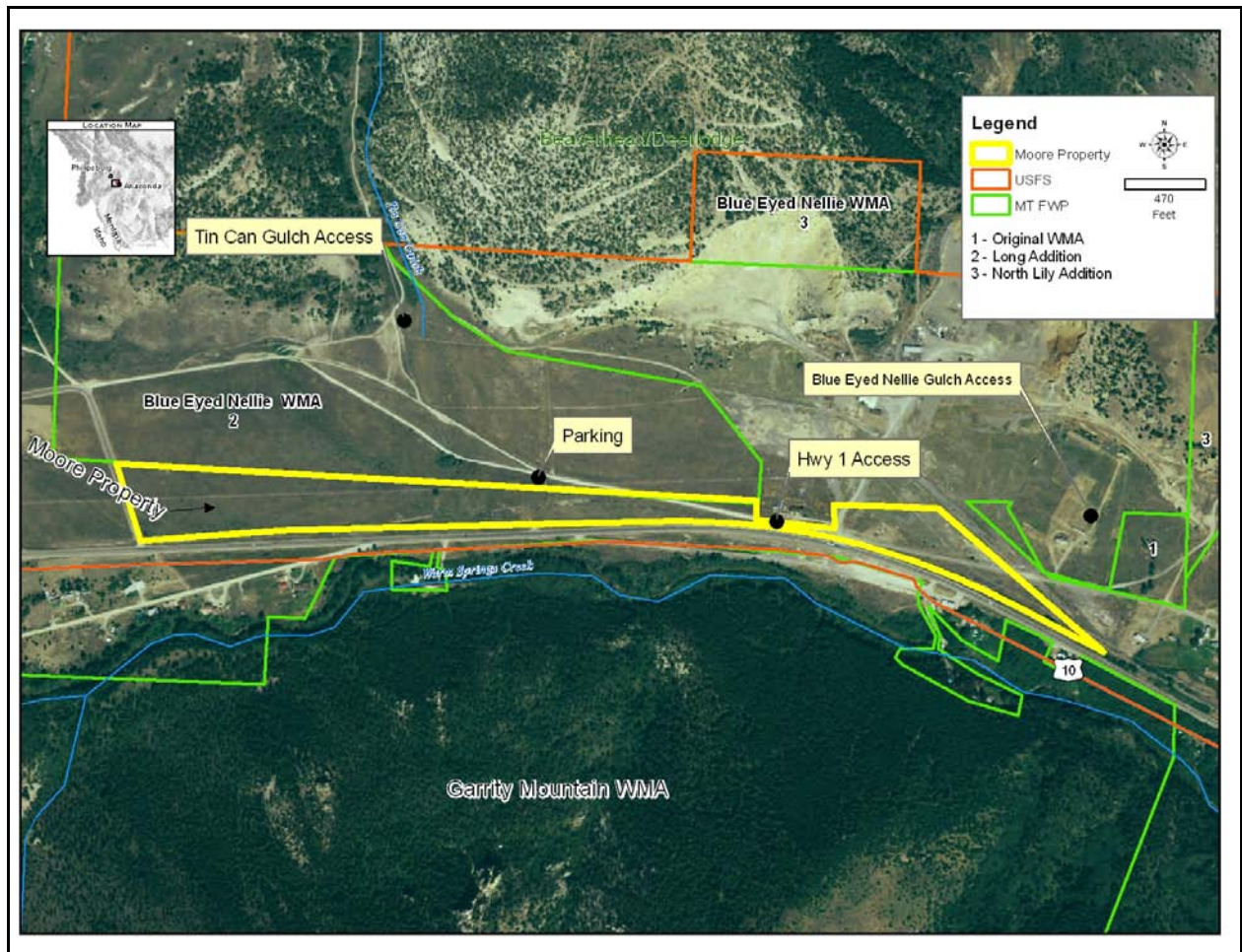
ADDITION TO BLUE-EYED NELLIE WILDLIFE MANAGEMENT AREA

INTENT: Add to existing Bighorn Sheep habitat and improve corridor between Blue-Eyed Nellie and Garrity WMA.

HABITAT: Bighorn Sheep Habitat

April 2010. The Moore property is a 29.74-acre parcel of shrub grasslands in Anaconda's West Valley that connects the Blue-eyed Nellie and Garrity Mountain Wildlife Management Areas—bighorn sheep use the parcel extensively. With financial support from the Montana Wild Sheep Foundation, Five Valleys Land Trust (FVLT) purchased the property in December 2008 from the Moore family.

In March 2009, FVLT prepared and submitted a Natural Resource Damage Program grant application to fund purchase of the land and conveyance to FWP. Five Valleys Land Trust requested \$142,500.00 in Upper Clark Fork River Restoration grant funds for FWP to purchase the property and provide \$17,500.00 in startup maintenance funds. The Natural Resource Damage Program's (NRDP) Trustee Restoration Council made a final funding recommendation to the Governor on December 17, 2009. This fee-title purchase will constitute the fourth addition to the 460-acre Blue-eyed Nellie WMA complex, which has become a popular site for wildlife viewing and provides three points of access to the Beaverhead-Deerlodge National Forest.



BLACKFOOT-CLEARWATER WMA LAND EXCHANGE WITH MONTANA DEPT. TRANSPORTATION

INTENT: Trade 19 acres of wildlife management area to allow for road straightening and reconstruction in exchange for 53 acres of land from M.D.T. in proximity to the exchanged parcel.

FISH CREEK WILDLIFE MANAGEMENT AREA

INTENT: Landscape scale conservation for a high priority forest carnivore linkage zone and winter range for elk mule deer, whitetailed deer and moose.

HABITAT: Montane Forests; Shrubfields and Riparian.

June 2009. The 34,573 acre wma cost \$14,635,090. Funding came from Federal Aid in Restoration (PR) and Habitat Montana. See map on next page. An additional 6,000 acres were purchased using Access Montana funds for a state park.

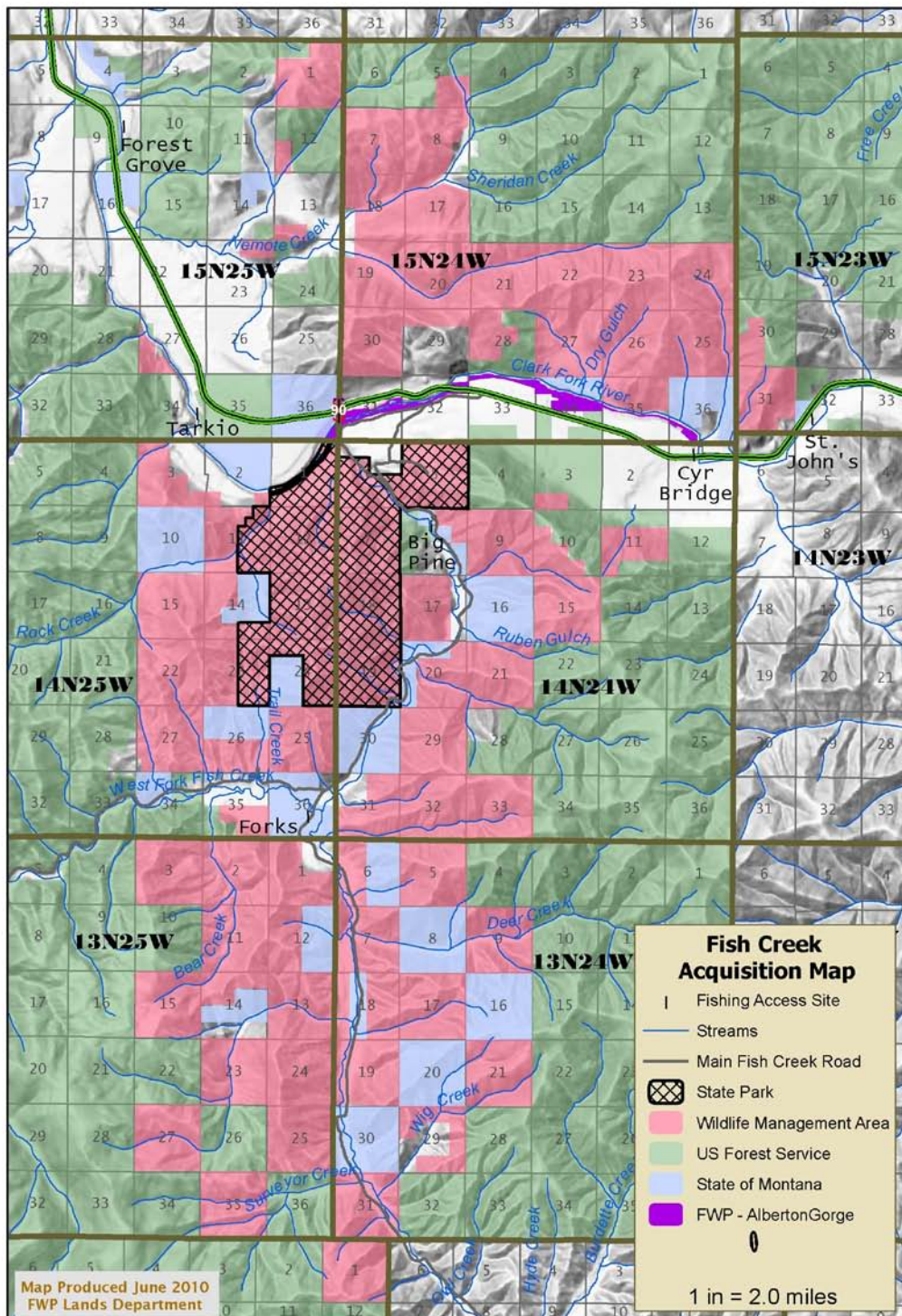
The landscapes within and surrounding the Fish Creek WMA and Fish Creek State Park have a suite of incredibly high wildlife resource values. There is a minimum of 182 wildlife species (57 mammals, 115 birds, 5 amphibians, and 5 reptiles) that biologists have either verified on or near the property, or are likely to be found within the drainage.

The Fish Creek drainage is a very high priority forest carnivore linkage zone. This linkage zone provides broad-scale landscape connectivity for forest carnivores (grizzly bear, Canada lynx, wolverine, and others) from the Mission and Rattlesnake Wilderness areas, through the Ninemile Divide, to the Selway-Bitterroot Mountains and Wilderness. Providing connectivity among ecosystems is essential for maintaining viable populations and recovering forest carnivores that are threatened, endangered, or species of concern. Grizzly bear, Canada lynx, and wolverine activity have occurred within the Fish Creek drainage or on its adjacent lands, but there still is much to learn about their overall utilization of these habitats.

The Fish Creek WMA and Fish Creek State Park provides significant winter range and other seasonal habitats for elk, mule deer, white-tailed deer and moose. The property also supports diverse populations of large carnivores, furbearers and upland game birds, including black bear, mountain lion, wolf, mountain grouse and wild turkey. The subject property contains nearly 34,000 acres of winter range for approximately 500 elk. The intact, productive riparian corridors of Fish Creek and its tributaries have exceptional habitat for white-tailed deer and moose, while the drier upland slopes provide forage and browse for mule deer.

31 terrestrial vertebrate species of concern (SOC) have been verified or are potentially found within the Fish Creek Project area, with 12 of those identified as Tier 1 species.

Riparian and wetland habitats within the drainage also support the richest diversity and density of birds, small rodents and shrews. These habitat types also provide breeding sites and travel corridors for amphibians, and are the most important foraging habitat for most bat species.



COTTONWOOD BEND CONSERVATION EASEMENT

INTENT: The primary purpose of this action is to preserve the integrity of the native habitats and its traditional agricultural use and ownership. The primary habitats represented on the Cottonwood Bend property include riparian corridors, wetlands and grasslands. By maintaining and improving the existing habitat, wildlife use, including white-tailed deer, ring-necked pheasants, Merriam's turkeys, mourning doves, sharp-tailed grouse, several species of ducks, and a wide variety of native species of migratory birds, songbirds, small mammals, and bats will be perpetuated.

A secondary result of this project is guaranteed public access to this farm for hunting and other recreational pursuits. Currently, free public access is allowed on the Cottonwood Bend property. Acquisition of this easement will ensure and promote public recreation on this property and provide additional access to the Milk River.

HABITAT: River riparian and wetlands

August 2010. A conservation easement was purchased on 164 acres along the Milk River. This is part of the Milk River Initiative to conserve river riparian habitats along most of the Milk River. Montana Fish and Wildlife Conservation Trust provide \$100,000 and FWP Upland Game Bird Habitat Enhancement Program provided \$79,250 for a total cost of \$179,250.



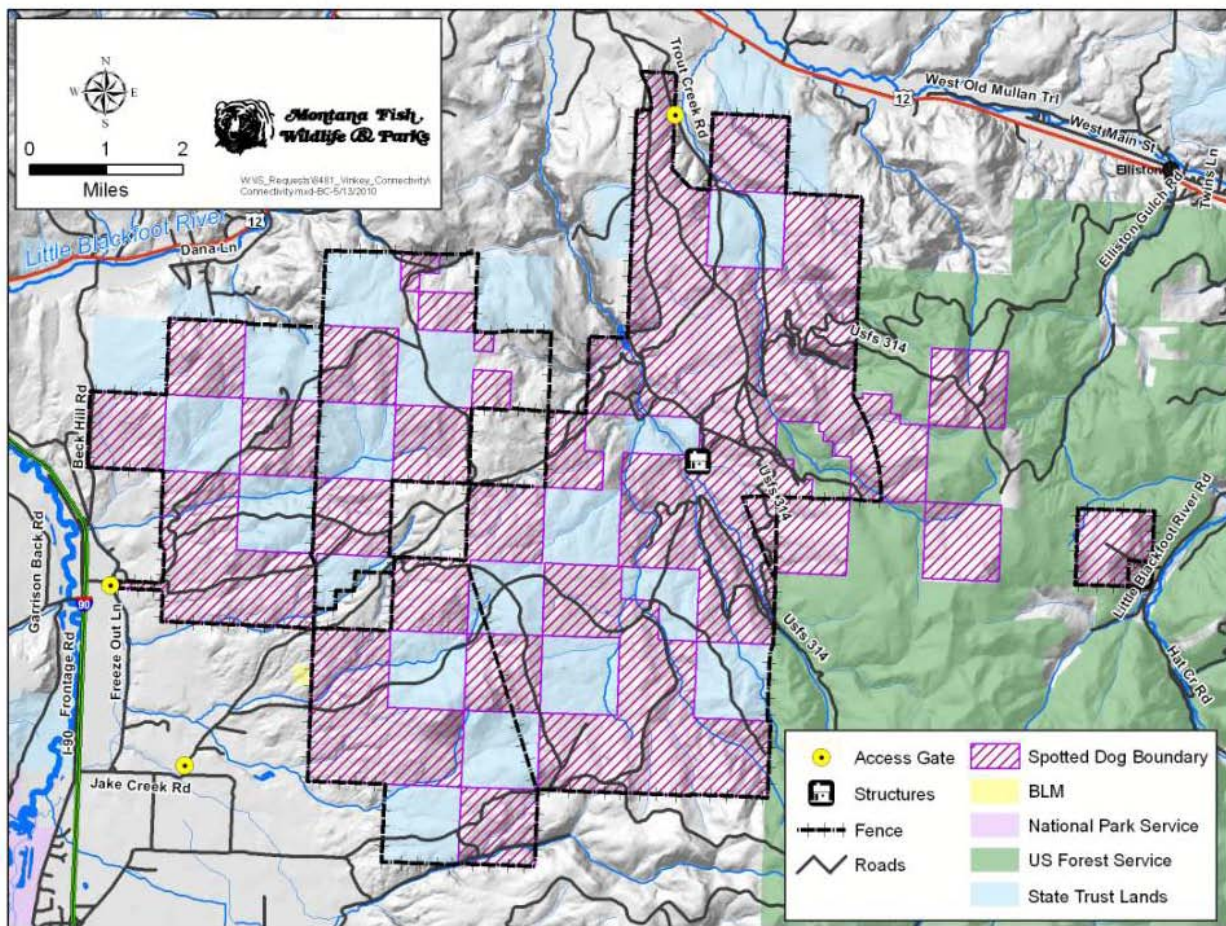
SPOTTED DOG WILDLIFE MANAGEMENT AREA

INTENT: This land winters the largest concentration of elk (~1,000) in the Upper Clark Fork, and supports antelope, mule deer, moose and black bear. Its unique habitat feature is the second-largest block of unbroken native grasslands in a single private ownership west of the Divide in Montana. West-slope cutthroat trout occur in Spotted Dog, O'Neil and Trout Creeks.

HABITAT: Intermountain Grassland, specifically rough fescue communities and bitterbrush stands.

September 2010. Spotted Dog WMA is 27,616 acres of fee owned land plus 10,260 acres of DNRC leased land. The acquisition was funded by the Natural Resource Damage Program. The land cost was \$15.2 million, the 10 year DNRC land lease is valued at \$148,869, and a 5 year maintenance grant is \$1,225,140.

See map on next page.



TAR HEAD ADDITION TO THE CANYON CREEK WILDLIFE MANAGEMENT AREA

- **INTENT:** Acquisition of this property would secure more direct public access to adjacent public lands in a strategic location for fishing, hunting and other non-motorized recreation. The proposed acquisition would also provide another point of public access to the southwest corner of the existing WMA to further disperse hunters within the WMA.
- Although limited in size, acquisition of this property would secure additional habitat and movement connectivity for wildlife across Hwy 279 between the WMA and nearby public lands (USFS, Bureau of Land Management (BLM), DNRC). This property is within the Continental Divide wildlife movement corridor, which is a priority area for the conservation of species that exist at low densities, such as Canada lynx, grizzly bear, and wolverine. Montana Species of Concern (SOC) verified to occur in this vicinity include wolverine, Canada lynx, grizzly bear, pileated woodpecker, golden eagle, and westslope cutthroat trout. Unverified SOC for this area includes fisher.
- The proposed acquisition would not only further protect the stream corridor from invasion by non-native fish species but may also expedite FWP's efforts to further enhance and extend the current distribution of westslope cutthroat trout. Although not currently listed as a "Conservation Population," implementation of habitat improvement projects for westslope cutthroat may be simplified if the lower portion of the stream was located on public lands. Habitat improvements, such as barriers to prevent immigration of non-native rainbow and brook trout, stream bed restoration, or improvements to the riparian corridor, may allow additional treatment to improve the Tar Head cutthroat population and elevate its conservation status.

HABITAT: Riparian and Montane Forest

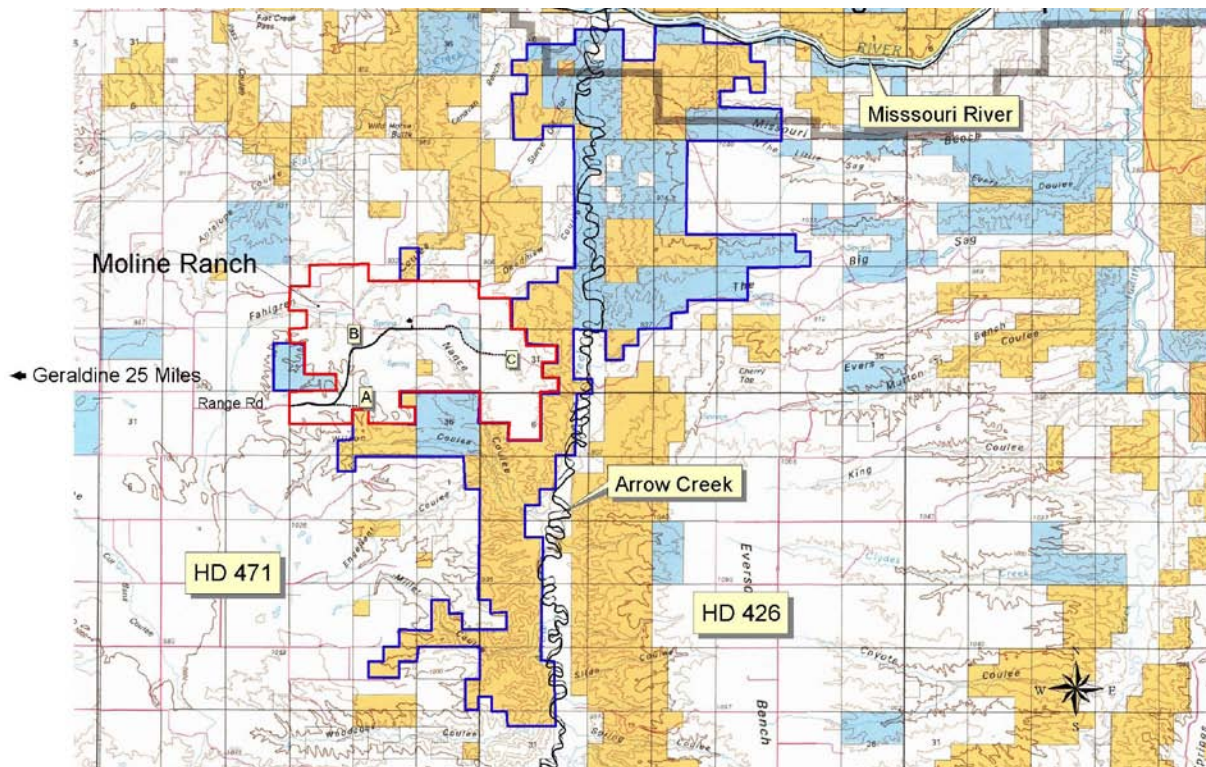
Oct. 2010. The 151 acres were purchased in fee using \$635,442 of Montana Fish and Wildlife Conservation Trust funds.

MOLINE RANCH CONSERVATION EASEMENT

INTENT: The purpose of the Moline Ranch conservation easement is to preserve and protect the conservation values of the land, particularly the wildlife habitat the Land provides. Recreational access to the Land is provided for in the easement and 14,000 acres of adjacent public land is now more available to the public.

HABITAT: Sagebrush-Grassland

Oct. 2010. An easement was purchased on the 4,900 acre Moline Ranch using \$750,000 of Habitat Montana funding.



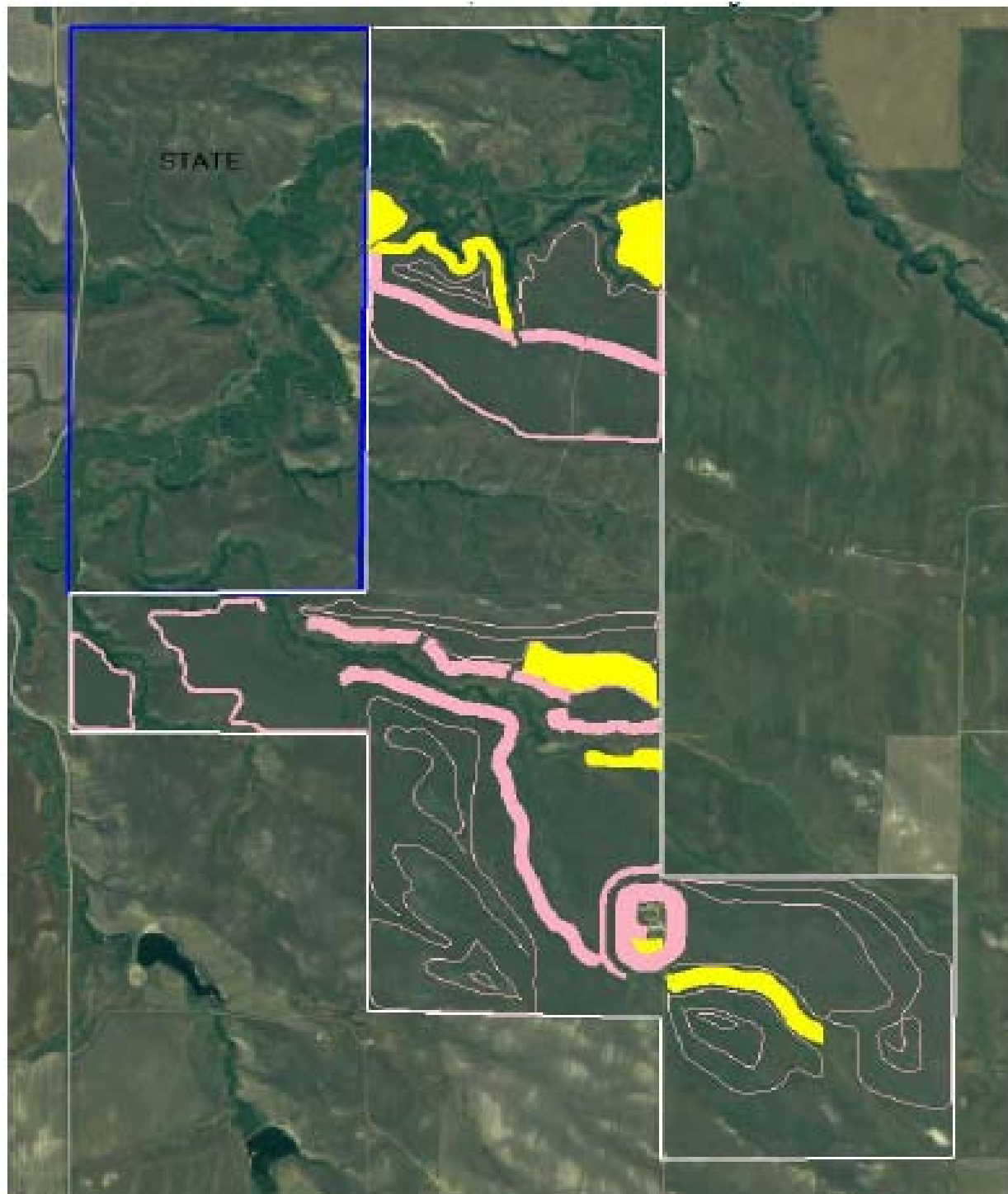
COFFEE CREEK CONSERVATION EASEMENT

INTENT: The purpose of the FWP / Pheasants Forever (PF) Coffee Creek conservation easement is to preserve and protect the conservation values of the Coffee Creek property, particularly the habitat that the property provides for its wildlife species, as well as its agricultural and historic resources into perpetuity. The 804-acre PF Coffee Creek property was purchased in 1998 with funds from numerous Montana chapters of PF, with the Central Montana Chapter of PF (located in Lewistown) being the primary and instrumental chapter. Since being purchased the property has been enhanced to maximize upland bird production as well as free public hunting and recreational access, particularly for upland game birds, which, relative to demand is quite limited in Central Montana.

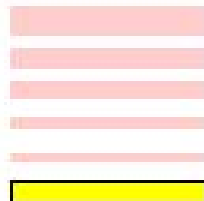
HABITAT: Creek riparian; shrub-grassland uplands and habitat enhancements.

As a consequence of the Central Montana Chapter's labors the Coffee Creek property now possesses high quality upland bird habitat consisting of 38 acres of shelterbelts and shrub plantings (consisting of more than 47,000 trees and shrubs), 34 acres of food plots, 412 acres of nesting and brood rearing cover, in addition to the 320 acres of native grasses and shrubs and riparian vegetation occurring in the uplands or adjacent to Coffee Creek. These native and enhanced plant communities are important habitats for many wildlife species, including mule deer, white-tailed deer, antelope, ring-necked pheasants, sharp-tailed grouse, Hungarian partridge, and numerous non-game wildlife species.

The PF Coffee Creek property also lies in between 2 Montana Department of Natural Resources and Conservation (DNRC) parcels – a 320-acre parcel to the west and an 880-acre parcel to the east. Coffee Creek runs through both DNRC parcels and the northern portion of the PF Coffee Creek property. In all, 3-airline miles of Coffee Creek and a 1,200-acre block of land are open to unlimited, free, walk-in public hunting and recreation. Approximately 400 hunter days of free public hunting and recreation occurs on the PF Coffee Creek property each year. This FWP conservation easement is being established utilizing funds from its Habitat Montana Program and its Upland Game Bird Enhancement Program. Total Value of the PF Coffee Creek conservation easement is approximately \$304,000.



11 Row Shelterbelt
 9 Row Shelterbelt
 6 Row Shelterbelt
 2 Row Silver Sage Planting
 1 Row Silver Sage Planting
 Food Plots



RIVERDALE CONSERVATION EASEMENT

INTENT: The 850 acre Riverdale Ranch is located 5 miles upstream (south) of Ulm in Cascade County. Riverdale Ranch possesses riparian, emergent and forested wetlands, shrub and native grassland communities important to many wildlife species, including deer, antelope, upland game birds, waterfowl and numerous non-game wildlife species. The property contains five miles of Missouri River frontage. The property is managed as a working farm primarily for wheat and cattle production, while maintaining and/or enhancing wildlife habitats throughout. The Missouri River has some of the best year round cover for white-tailed deer, waterfowl, upland game birds and non-game species in Region 4. The easement will allow access for big game, waterfowl, and upland game bird hunting.

HABITAT: River Riparian; wetlands; shrub communities and native grassland.

FWP proposes to purchase, hold and monitor a conservation easement from Riverdale Ranch. The easement will be funded with a variety of partners, including:

\$525,000 - NRCS Farm and Ranch Lands Protection Program (FRPP), requires 50% non-Federal match.

\$50,000 - PPL Montana, LLC (\$25,000 Wildlife TAC / \$25,000 Fisheries TAC)

\$10,000 - Great Falls Chapter Safari Club International

\$10,000 - Upper Missouri River Chapter Pheasants Forever

\$7,500 – National Wild Turkey Federation – Great Falls Chapter

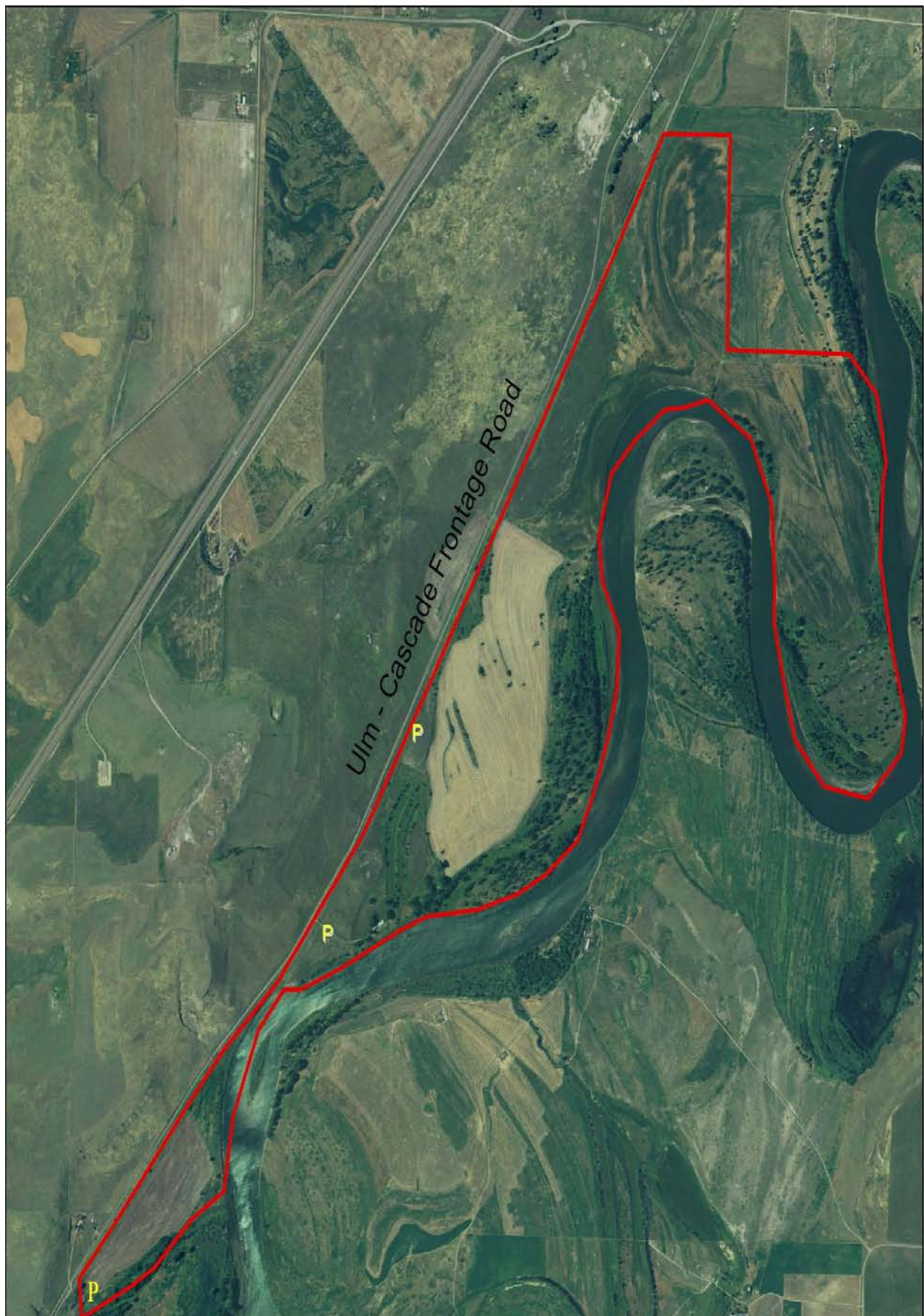
\$100,000 - Montana Fish and Wildlife Conservation Trust

\$100,000 - FWP Upland Game Bird Habitat Enhancement Program.

\$ 630,000 - FWP Habitat Montana Program

TOTAL COST: \$1,432,500 PLUS \$375,000 LANDOWNER DONATION

Exhibit E. Riverdale Ranch Hunting Access Map



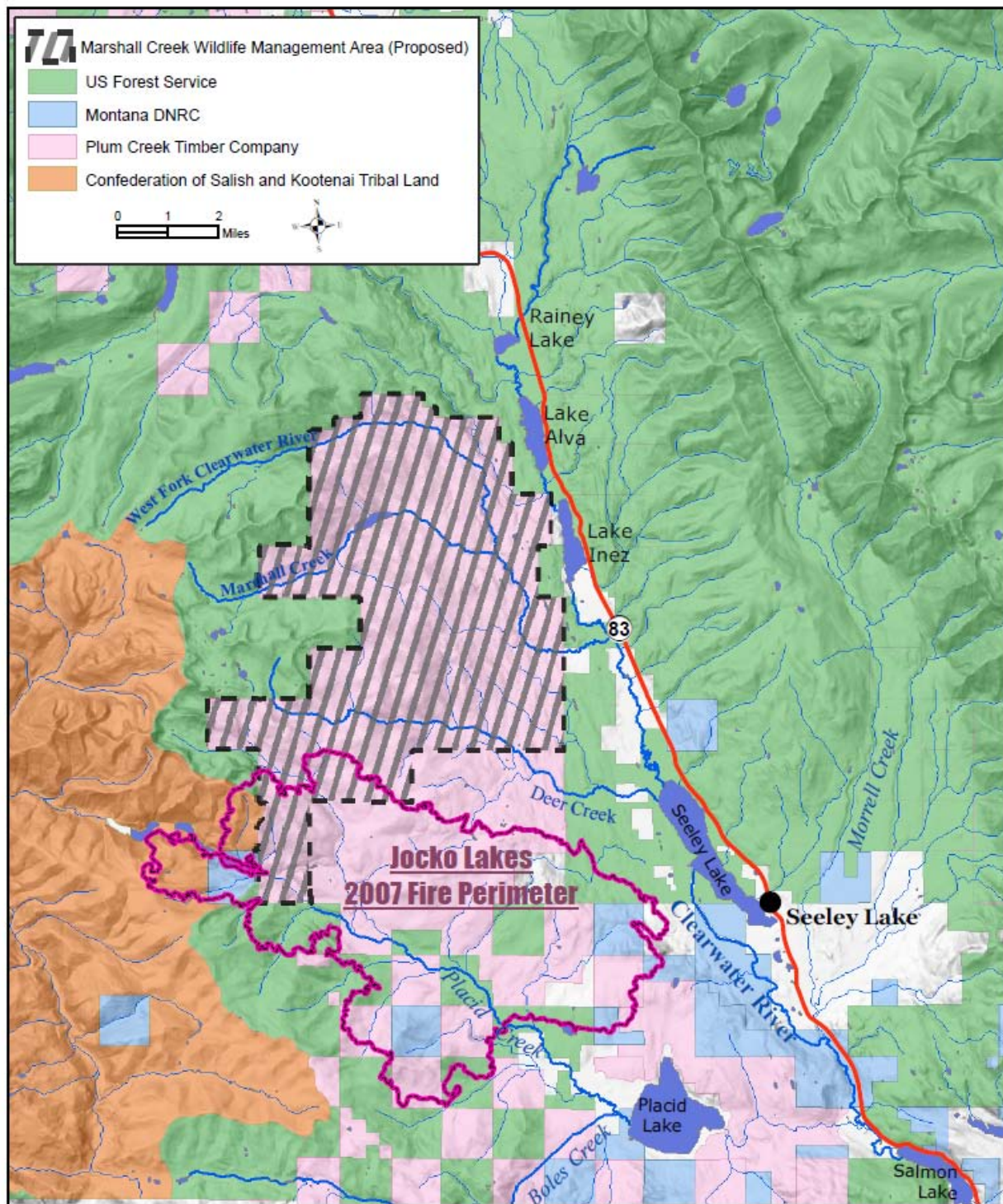
MARSHALL CREEK WILDLIFE MANAGEMENT AREA

INTENT: FWP proposes to acquire 24,170 acres at a price of \$18.4 million to establish the Marshall Creek Wildlife Management Area (WMA), north of Seeley Lake. The area is unique for its bull trout spawning, lynx habitat, forest carnivore habitat, hunting and other forms of recreation opportunity.

HABITAT: Creek Riparian and Montane Forest

The property is being acquired in two phases. Phase I was completed in December 2010. Approximately 13,933 acres were purchased for \$10.6 million, using funding from Habitat Montana, federal Habitat Conservation Plan, and the State Wildlife Grants Program.

Phase II will be completed in 2011, purchasing approximately 10,000 acres for \$7.9 million. Funding will be from the federal Forest Legacy Program and Habitat Montana.



NORTH SWAN VALLEY PHASE VI FOREST LEGACY PROGRAM 429 + ACRES IN FEE

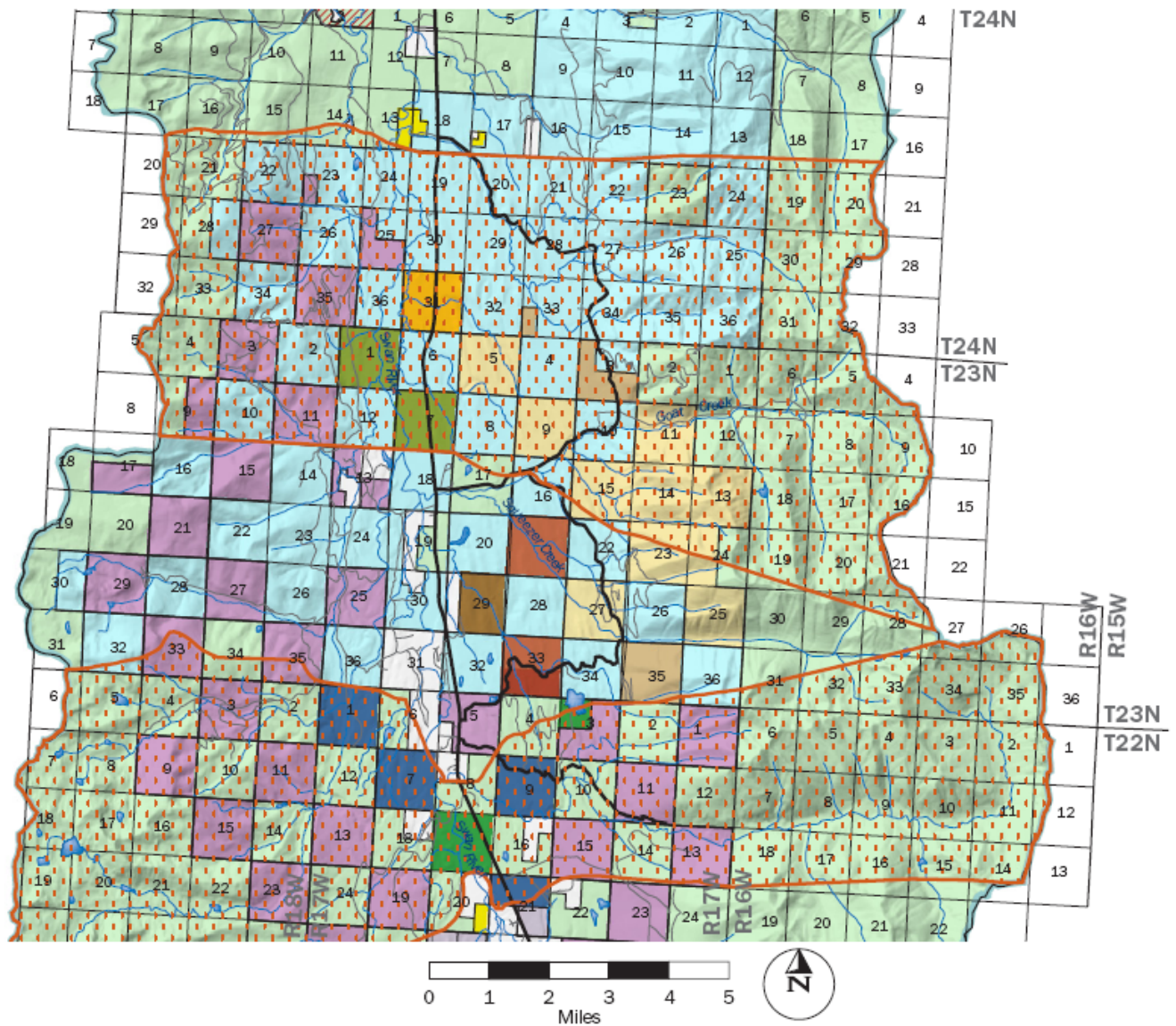
INTENT: To protect lands Plum Creek Timber would most likely sell for rural residential subdivision. The Swan Valley contains natural and public resource values at significant risk of loss. The valley is home to 6 federally listed T and E species, and many other rare fish, wildlife, and plant species. Project lands provide raw materials and yearlong outdoor recreation opportunities vital to regional economies. The first two phases secured 7,204 acres of private working forest under a conservation easement. Subsequent Forest Legacy Program phases have acquired fee ownership of 3 select parcels. FLP is a vital partner in a landscape-level conservation initiative being implemented in the Swan River Valley of northwest Montana. Phase VI will finish the project.

HABITAT: Wetlands and Montane Forest

The U.S. Forest Service Forest Legacy Program granted Montana, through national competition, \$2,000,000 to purchase 452 acres in fee in Sec.31. Forest Legacy pays 75% of the land cost. 25% match was through donation of easement acres value from other projects becoming part of the Forest Legacy Program. Sec.31, on the map, is orange, with the highway running through the middle of it. See next two pages.

Ownership & Conservation Status

Ownership and conservation status by program type and proposal status in the Swan Valley (as of July 31, 2007)



Ownership

- Flathead National Forest (FNF)
- Wilderness (FNF)
- Research Natural Area
- Swan River State Forest (MT)
- Plum Creek Timberlands (PCT)
- Other private

Land & Water Conservation Fund (LWCF)

- Acquired by FNF
- FY09 and beyond proposed fee acquisition

Habitat Conservation Program (HCP)

- FY09 and beyond potential fee acquisition
- Other
- Lands under existing private conservation easements

Forest Legacy Program (FLP)

- Phases I & II Property (conservation easement completed 2-2006)
- Phase II-B Property (conservation easement completed 9-2006)
- Phase III Property (fee acquisition completed 1-2007)
- Phase IV Property (fee acquisition)(p Section 21 completed July 2007, remainder scheduled Fall 2007; p Section 33 scheduled December 2007)
- Phase V Property (fee acquisition proposed FY09)
- Phase VI Property (fee acquisition proposed FY09)

- Highways, County & City roads
- Other roads

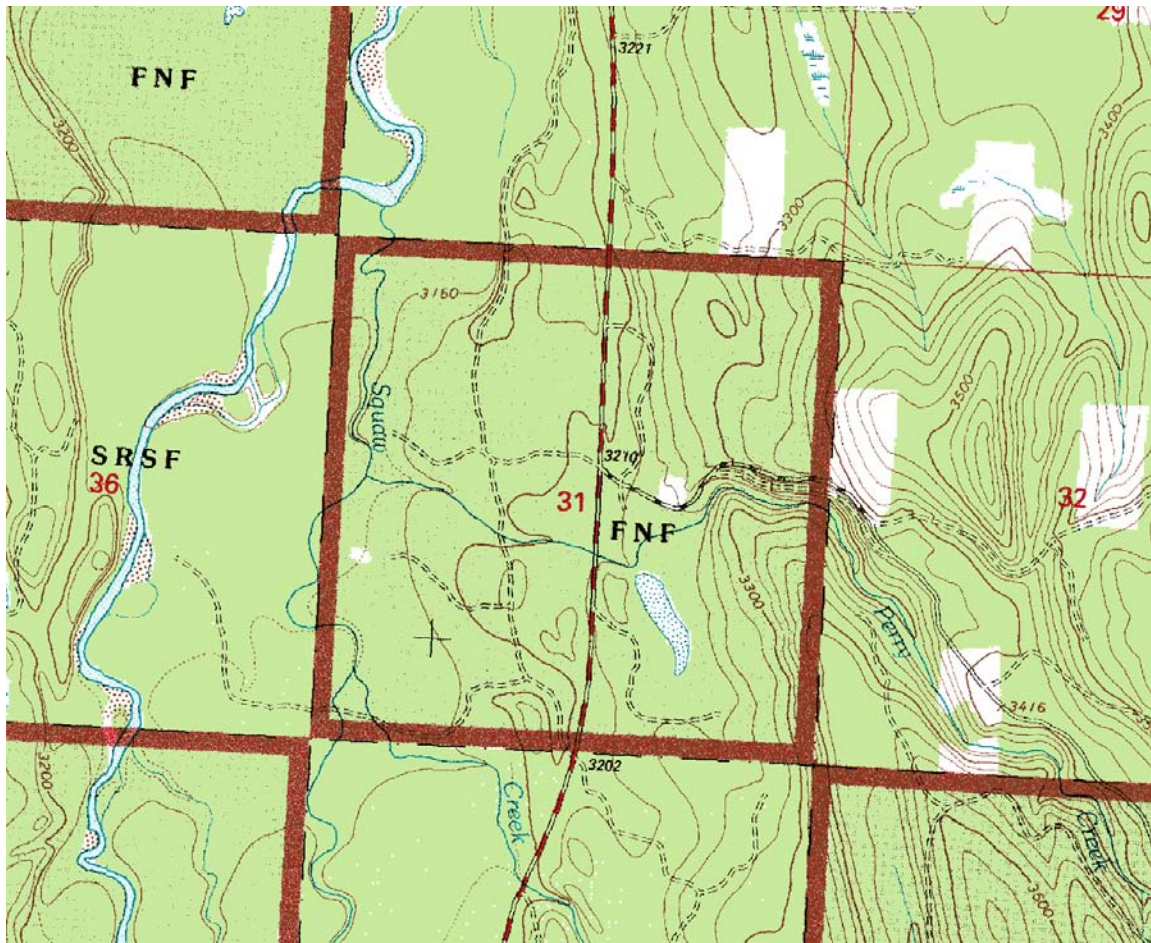
- Township/section lines
- Lakes

July 31, 2007

THE
TRUST
for
PUBLIC
LAND

Location Map





SECTION II

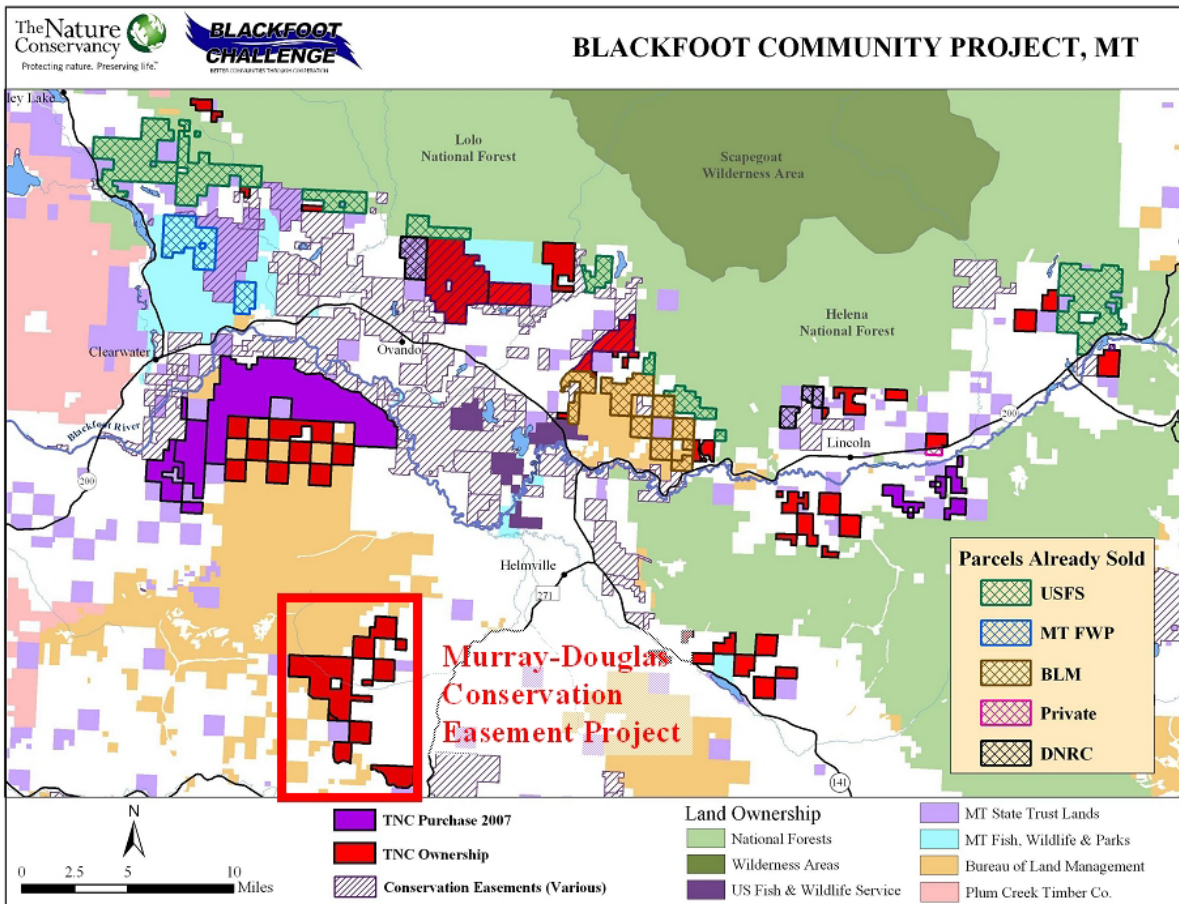
PROJECTS IN PROGRESS

MURRAY-DOUGLAS FOREST LEGACY CONSERVATION EASEMENT

INTENT: The Murray – Douglas conservation easement project comprises 9,594 acres of forested land within the Garnet Mountains in the south-central Blackfoot River watershed of Montana. The easement will be held and monitored by the Montana Department of Fish, Wildlife and Parks. The proposal received \$2,900,000 from the Forest Legacy Program. The Murray-Douglas Conservation Easement Project is part of the disposition component of the larger Blackfoot Challenge Blackfoot Community Project for the south-central Blackfoot watershed. Plum Creek Timber Company reorganized as a Real Estate Investment Trust in 1999, had identified thousands of acres in western Montana as having “higher and better uses” than commercial forestry, and was actively marketing timberland in the Blackfoot for private development.

HABITAT: Montane Forest

The Forest Legacy Program awarded Montana \$2,900,000 to pay 75% of the cost for the 9,594 easement. Project is in negotiations. The 25% match will be donation of value from the landowners.



JOHNSON RANCH CONSERVATION EASEMENT

INTENT: Conserve blocks of grassland; sagebrush grassland and riparian habitats, for a variety of wildlife species, including sage grouse winter and breeding habitat.

HABITAT: Sagebrush Grassland; Riparian; Grassland and Prairie forest (Ponderosa Pine).

The ranch is in one block encompassing 14,620 acres private; 1,400 of state school trust land, 800 of BLM. Total acres are 16,820. There will be public hunting allowed on the property as part of the easement.

Project is in the early stages.

APPENDIX

STATEMENT OF INTENT

HOUSE BILL 526

House Fish and Game Committee

(The following is the text of the Statement of Intent as adopted by the 50th Legislature).

House Bill 526 requires a statement of intent because Section 1 requires the fish and game commission to adopt rules establishing its policy regarding wildlife habitat acquisitions provided for by this act.

It is the intent of this act to provide a means for the department of fish, wildlife and parks to acquire an interest in land for the purpose of protecting and enhancing wildlife habitat. Such interest in land must be gained by the purchase of leases, conservation easements, or fee title. While it is preferable to acquire such interest through lease or conservation easement, the legislature acknowledges that the willing seller will determine the manner by which such interest is obtained and thus provides for all three alternatives.

It is intended that the rules will address policy considerations for making acquisitions generally, as well as establishing procedures for determining in each case of a proposed acquisition whether the interest will be acquired.

It is intended that the commission identify habitat needs by administrative region and compile these needs in a consolidated statewide habitat acquisition plan. The rules must ensure that acquired interests in habitat lands are reasonably distributed around the state in accordance with the statewide habitat acquisition plan **AND THAT EMPHASIS IS PLACED UPON THOSE AREAS WHERE IMPORTANT HABITAT IS SERIOUSLY THREATENED.**

It is intended that the department exercise good land management practices on all land, acquired, and multiple uses of such land when not detrimental to its value as wildlife habitat are specifically authorized. The department shall identify management objectives for each proposed acquisition, analyze potential impacts to adjacent private land resulting from those objectives and develop plans to address such impacts.

A public hearing must be held in the area of each proposed acquisition after the required analysis has been completed by the department, for the purpose of obtaining comment from the interested public. The analysis and related public concerns are to be presented to the fish and game commission prior to its final action on any acquisition of interest and also to the board of land commissioners if that body is required to make a decision on the proposal under 87-1-209.

The policy and an analysis for each proposal acted upon in a biennium must be presented to the members of both the house and senate fish and game committees when they next meet in regular session.

ADMINISTRATIVE RULES OF MONTANA

WILDLIFE HABITAT ACQUISITION

12.9.508 MISSION

(1) These rules establish the policy of the fish, wildlife and parks commission for the acquisition of wildlife habitat by the department of fish, wildlife and parks. This policy is popularly known as Habitat Montana. Habitat Montana is a key tool in achieving the department's mission as stated in the vision document adopted by the commission in November, 1992:

(a) The Montana department of fish, wildlife and parks, and fish, wildlife and parks commission provide for the stewardship of the fish, wildlife, parks and recreational resources of Montana, while contributing to the quality of life for present and future generations.

(2) Through Habitat Montana, the commission and department will establish a statewide wildlife habitat system which will conserve our wildlife resources and pass them intact to future generations.

History: Sec. [87-1-241](#) MCA; IMP, Sec. [87-1-241](#), [87-1-242](#) MCA; NEW, 1994 MAR p. 3095, Eff. 12/9/94

12.9.509 GOALS

(1) The goals for Habitat Montana are:

(a) conservation of Montana's wildlife populations and natural communities via management strategies that keep them intact and viable for present and future generations; maintain wildlife population levels that sustain or enhance current recreational opportunities; and maintain diverse geographic distribution of native wildlife populations and their habitats;

(b) conservation of Montana's land and water resources in adequate quantity and quality to sustain ecological systems;

(c) implementation of habitat management systems that are compatible with and minimize conflicts between wildlife values and traditional agricultural, economic and cultural values. Habitat Montana will enhance Montana's quality of life and be compatible with the conservation of soil, water and existing biological communities.

History: Sec. [87-1-241](#) MCA; IMP, Sec. [87-1-241](#), [87-1-242](#) MCA; NEW, 1994 MAR p. 3095, Eff. 12/9/94

12.9.510 BENEFITS

(1) The commission intends Habitat Montana to deliver the following services and benefits:

(a) conserve and enhance land, water and wildlife;

(b) contribute to hunting and fishing opportunities;

(c) provide incentives for habitat conservation on private land;

- (d) contribute to non-hunting recreation;
- (e) protect open space and scenic areas;
- (f) promote habitat-friendly agriculture; and
- (g) maintain the local tax base, through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

History: Sec. [87-1-241](#) MCA; IMP, Sec. [87-1-241](#), [87-1-242](#) MCA; NEW, 1994 MAR p. 3095, Eff. 12/9/94.

12.9.511 APPLICATION

(1) While this Habitat Montana policy specifically relates to funds acquired under [87-1-241](#) and [87-1-242](#), MCA, the Montana fish, wildlife and parks commission directs that these guidelines also apply, where appropriate, to all of the department's wildlife habitat acquisition programs. These include:

- (a) moose and bighorn sheep habitat acquired with license auction funds;
- (b) properties acquired in mitigation for habitat lost as a result of construction projects conducted by the Bonneville power administration and other agencies;
- (c) waterfowl habitat.

History: Sec. [87-1-241](#) MCA; IMP, Sec. [87-1-241](#), [87-1-242](#) MCA; NEW, 1994 MAR p. 3095, Eff. 12/9/94

12.9.512 IMPLEMENTATION

(1) The commission directs the department to complete a comprehensive statewide habitat plan and to execute that plan within the following parameters:

- (a) The department will identify specific staff responsible for implementation of Habitat Montana and establish procedures for accomplishing program goals.
- (b) The department will develop draft criteria for identifying important habitats that are seriously threatened. The commission will adopt these criteria through a process that includes public review and comment.
- (c) Utilizing the natural heritage database and information from other government agencies and cooperators, the department will identify habitat protection priorities within each eco-region. This analysis will recognize the contribution of habitat protected by other agencies and organizations. Regional habitat priorities will then be compiled into a consolidated statewide plan.
- (d) The department will develop uniform guidelines for the preparation of site-specific management plans. These criteria will be applicable to management of lands in which the department acquires an interest and to cooperative habitat projects located on lands in other ownership.
- (e) Prior to acquiring any interest in land for the primary purpose of securing wildlife habitat, the department will comply with the requirements of [87-1-241](#), MCA, by conducting an environmental assessment analyzing:
 - (i) the wildlife populations and use currently associated with the property;
 - (ii) the potential value of the land for protection, preservation, and propagation of wildlife;

(iii) management goals proposed for the land and wildlife populations and, where feasible, any additional uses of the land such as livestock grazing or timber harvest;

(iv) any potential impacts to adjacent private land resulting from proposed management goals and plans to address such impacts;

(v) any significant potential social and economic impacts to affected local governments and the state, including but not limited to impacts on:

(A) tax revenue available for the operation of taxing jurisdictions within the county;

(B) services required to be provided by local governments;

(C) employment opportunities within the counties;

(D) local schools; and

(E) private businesses supplying goods and services to the community.

(vi) a land maintenance program to control weeds and maintain roads and fences; and

(vii) any other matter considered necessary or appropriate by the commission.

(f) The department will develop monitoring and evaluation systems to track program success as well as the public's changing desires.

(g) It is preferable to acquire interests in habitat through conservation easement or lease. However, the legislature has acknowledged that the willing seller will determine the manner by which such interest is obtained and thus has provided for acquisition by fee title as well. The most effective use of capital and operational funds must be determined on a case by case basis. The commission encourages the department to utilize other methods such as land exchanges, conservation buyers and easement exchanges to meet the habitat Montana program objectives.

(h) The department will use certified appraisals or other appropriate analysis performed by department staff to determine the value of land or interest in land to be acquired.

(i) Funds for wildlife habitat acquisition shall be invested in habitat in a timely manner, as accrued.

(j) In some cases the mission of habitat Montana may be most efficiently accomplished through actions of non-profit organizations, landowners, other government agencies, or through partnerships with such entities. To gain the greatest value from partnership opportunities, the department will establish procedures for working cooperatively and non-competitively with them.

(k) The department will establish procedures to account for habitat Montana income and expenditures through the state accounting, budget, human resource system (SABHRS). In addition to project expenditures for which accounting reports are currently available, the department will account for administrative costs associated with implementation of this policy.

(l) The commission directs the department to emphasize continuing communication with the legislature, state land board and the public to maintain awareness of, and support for, habitat Montana.

(m) The commission expects to adopt a comprehensive statewide habitat plan, incorporating each of the above elements, prior to October, 1994. The review process for this draft plan will include a public comment period of at least 60 days in length.

(History: [87-1-241](#), MCA; [IMP](#), [87-1-241](#), [87-1-242](#), MCA; [NEW](#), 1994 MAR p. 3095, Eff. 12/9/94.)